



UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of :
Randy K. Bower et al : DECISION ON
Serial No. 09/482,599 : PETITION
Filed: Janauary 13, 2000 :
For: FAILURE DETECTION IN AUTOMATED CLINICAL ANALYZERS:

This is a response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION, filed JULY 25, 2003. The petition requests that the abandonment, as set forth in the Notice of Abandonment of June 23, 2003, for failure to timely file a proper response to the Office letter dated November 14, 2002 be withdrawn. The petitioner asserts that the Office letter of November 14, 2002 was not received by applicants.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action. See MPEP 711.03(c)(II).

The evidence presented is sufficient to establish that the Office letter of November 14, 2002 was not received by petitioner. The evidence provided includes a statement by the petitioner that the Office letter of November 14, 2002 was not received, a statement that a search of the file and docket records was made, and a statement that the search revealed the Office letter of November 14, 2002 was not received. Also provided is a copy of the attorney's application docket records where the Office letter of November 14, 2002 would have been posted had it been timely received.



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Therefore, the abandonment is hereby withdrawn, and the application is returned to pending status. The application shall be forwarded to the examiner for prompt remailing of the above noted Office letter to the correspondence address and restarting of the statutory period of response from the remail date thereof.

The Petition is **GRANTED**.

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